

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

STUDENT RESOURCE CENTER, )  
LLC, )  
                                )  
*Plaintiff,*              )  
                                ) Case No. 2:22-cv-2653  
v.                             )  
                                ) Chief Judge Algenon L. Marbley  
EASTERN GATEWAY COMMUNITY )  
COLLEGE,                     ) Magistrate Judge Chelsey M.  
                               )  
*Defendant.*              )  
                                )  
                                )

**Attachment E to the Declaration of  
Robert Folland in Support of SRC's  
Motion for Prejudgment Attachment**

NOV 21 2003

178320

Patrick J. Marshall  
Jefferson County AuditorBY  
NO  
1160LIMITED WARRANTY DEED

OR VOL 609 PG 676

OHIO POWER COMPANY, an Ohio corporation having an office at 700 Morrison Road, Galion, Ohio 43230 ("Grantor"), for valuable consideration, receipt of which is hereby acknowledged subject to the exceptions, reservations, and conditions hereinafter set forth, hereby grants with limited warranty covenants to JEFFERSON COMMUNITY COLLEGE, whose tax mailing address is 4000 Sunset Boulevard, Steubenville, Ohio 43952 ("Grantee"), its successors and assigns, pursuant to O.R.C. §5302.07, the following real estate situated in Cross Creek Township, City of Steubenville, Jefferson County, Ohio, being more particularly described as follows:

Parcel 1:

Located in Jefferson County, Ohio, and being in the City of Steubenville, in Cross Creek Township, Section 12, Twp 6, Range 2, and being the combination of a portion of Vol. 613, Pg. 247, with a portion of Vol. 613, Pg. 3, and a portion of Lot 15 in Bexley Place Subdivision, recorded in Cabinet B, Slide 142, as owned by the Ohio Power Company, and recorded in Vol. 631, Pg. 502, and being more particularly described as follows;

Approved by Steubenville Planning & Zoning Commission  
CJH  
Zoning Planner  
11/24/03  
DLM

Beginning at a capped iron pin (CIP) set in the south right of way line of Sunset Blvd, marking the NE corner of the tract owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and also marking the NW corner of Lot 15 in Bexley Place Subdivision, recorded in Cabinet B, Slide 142, and also marking the NW corner of the tract owned by the Ohio Power Company as recorded in Vol. 631, Pg. 502, and also marking an angle point in the northern boundary of the parcel herein described.

Thence with the north line of Lot 15, and with the north line of the aforementioned Ohio Power tract of Vol. 631, Pg. 502, and with the south right of way line of Sunset Blvd, S 57°33'13" E 32.394 ft. to a mag nail set in said line, marking an angle point on the northern boundary of a 8.999218 acre tract, yet to be conveyed, and also marking the NW corner of a proposed 0.120583 acre right of way, and also marking the NE corner of the parcel herein described.

Thence crossing over and into the aforementioned

Ohio Power tract of Vol. 631, Pg. 502, and further crossing over and into the aforementioned Ohio Power tract of Vol. 613, Pg. 3, and with the northern boundary of the aforementioned 8.999218 acre tract, yet to be conveyed, and with the western boundary of the aforementioned 0.120983 acre proposed right of way, and being more or less 1 ft. west of the edge of an existing paved entry road, S  $32^{\circ}29'44''$  W 146.153 ft. to a mag nail set in the pavement, marking an angle point in the common boundary between the aforementioned 8.999218 acre tract, yet to be conveyed, and the parcel here-in described.

Thence continuing with the north line of the aforementioned 8.999218 acre tract, yet to be conveyed, the following 7 bearings and distances;

1. N  $72^{\circ}55'20''$  W 42.585 ft. to a nail set in the corner of the pavement where the north edge of the aforementioned entry meets the existing parking lot, marking an angle point in the boundary of the proposed 0.120983 acre right of way.

2. Crossing t.e entry way, S  $16^{\circ}24'37''$  W 26.329 ft. to a nail set in the corner of the pavement where the south edge of the aforementioned entry meets the existing parking lot, marking the common SW corner of the aforementioned proposed right of way, and also marking the SE corner of a proposed 24 ft. wide right of way.

3. N  $73^{\circ}50'11''$  W, along the south edge of a lane through the parking lot, and with the south line of said 24 ft. proposed right of way, and crossing over and into the Ohio Power tract of Vol. 631, Pg. 247, 101.742 ft. to a mag nail set, where the south edge of said lane intersects the extension of the west curb line of the parking lot directly south of said lane.

4. S  $16^{\circ}05'18''$  W, along said curb line, and further leaving the parking lot, 139.411 ft. to a CIP set 1 ft. north of an existing chain link fence.

5. N  $79^{\circ}09'17''$  W, 1 foot north of, and parallel to said fence, 38.648 ft. to a CIP set near the fence corner.

6. S  $10^{\circ}40'16''$  W, 1 foot west of, and parallel to said fence, 124.600 ft. to a CIP set 4' 3" north of

the fence corner.

7. N 79°28'12" W, being north of the light standards, and parallel to said fence, 190.154 ft. to a CIP set in the west line of the aforementioned Ohio Power tract of Vol. 613, Pg. 247, marking a point in the east right of way line of John Scott Highway, and also marking a point in the east line of the Ohio Power tract of Vol. 613, Pg. 243, and also marking the NW corner of the aforementioned 8.999218 acre tract, yet to be conveyed, and also marking the SW corner of the parcel here-in described.

Thence with the common boundary between the aforementioned Ohio Power tracts of Vol. 613, Pg. 247, and Vol. 613, Pg. 243, and with the east right of way line of John Scott Highway, and with a line 80 ft. east of, and parallel to, the centerline of John Scott Highway, N 12°22'41" E 167.399 ft. to a CIP set marking a point of curve in said common line, and also marking a point of curve in the western boundary of the parcel here-in described.

Thence continuing with the common boundary between the aforementioned Ohio Power tracts of Vol. 613, Pg. 247, and Vol. 613, Pg. 243, and leaving the original east right of way line of John Scott Highway, and continuing with a line 80 ft. east of, and parallel to, the centerline of John Scott Highway as it now exists, the following two bearings and distances;

1. With a curve to the left, having a radius of 1989.800 ft., an arc length of 386.678 ft., and a chord bearing N 6°48'40" E 386.070 ft. to a CIP set.

2. N 1°14'38" E 49.850 ft. to a cross cut made in the sidewalk, at the intersection of the south right of way line of Sunset Blvd, and also marking the NE corner of the aforementioned Ohio Power tract of Vol. 613, Pg. 243, and also marking the NW corner of the Ohio Power tract of Vol. 613, Pg. 247, and thereby marking the NW corner of the parcel here-in described.

Thence with the south right of way of Sunset Blvd, and with the northern boundary of the aforementioned Ohio Power tract of Vol. 613, Pg. 247, the following four bearings and distances;

1. With a curve to the right (non-tangent to the last bearing) having a radius of 912.326 ft., an arc length of 118.644 ft., and a chord bearing S  $64^{\circ}13'42''$  E 118.560 ft. to a CIP set.
2. With a curve to the right having a radius of 912.326 ft., an arc length of 120.197 ft., and a chord bearing S  $56^{\circ}47'16''$  E 120.110 ft. to a drill hole found in the sidewalk.
3. S  $52^{\circ}58'28''$  E 5.360 ft. to a PK nail found in the sidewalk.
4. S  $10^{\circ}51'07''$  W 5.850 ft. to a CIP set marking the NW corner of the aforementioned Ohio Power tract of Vol. 613, Pg. 3, and also marking an angle point in the northern boundary of the parcel here-in described.

Thence continuing with the south right of way line of Sunset Blvd, and with the northern boundary of the aforementioned Ohio Power tract of Vol. 613, Pg. 3, the following two bearings and distances;

1. S  $52^{\circ}58'31''$  E 103.980 ft. to a CIP set.
2. S  $57^{\circ}33'13''$  E 127.338 ft. to the place of beginning, containing 3.701027 acres, more or less, and subject to all legal highways, rights of way, and/or easements, and subject to any and all restrictions, and/or reservations, and/or exceptions as may be applicable.

The above described 3.701027 acre tract is subject to the rights of ingress and egress, reserved by the Grantor, over a proposed common right of way leading from John Scott Highway, in an easterly direction, over and across the above described 3.701027 acre tract, to the northwest boundary of a 8.999218 acre tract, yet to be conveyed, said right of way being located on an existing paved drive within the above described conveyance, and is intended to be used by the Grantor in common with the Grantee, said proposed right of way being 12 ft. on each side of the following described centerline;

Beginning for description at a cross cut made in the sidewalk in the south right of way line of Sunset Blvd, marking the NE corner of the Ohio Power tract of Vol. 613, Pg. 243, and also marking the NW corner of the Ohio Power tract of Vol. 613, Pg. 247, and

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also marking the NW corner of the above described 3.701027 acre tract, yet to be conveyed, thence with the common line between the aforementioned Ohio Power tracts of Vol. 613, Pg. 243, and Vol. 613, Pg. 247, the following 2 bearings and distances;

1. S  $1^{\circ}14'38''$  W 49.850 ft. to a CIP set.
2. With a curve to the right having a radius of 1989.800 ft., an arc length of 140.920 ft., and a chord bearing S  $3^{\circ}16'22''$  W 140.891 ft. to a point in the center of an existing paved driveway, marking the TRUE PLACE OF BEGINNING of the centerline herein described.

Thence crossing over and into the Ohio Power tract of Vol. 613, Pg. 247, and crossing over and into the aforementioned 3.701027 acre tract, yet to be conveyed, and with the center of the existing paved driveway, the following 6 bearings and distances;

1. S  $87^{\circ}27'23''$  E 70.204 ft. to a point of curve.
2. With a curve to the right having a radius of 67.000 ft., an arc length of 85.048 ft., and a chord bearing S  $51^{\circ}05'29''$  E 79.452 ft. to a point of tangent.
3. S  $14^{\circ}43'34''$  E 84.417 ft. to a point of curve.
4. With a curve to the left. having a radius of 49.000 ft., an arc length of 46.810 ft., and a chord bearing S  $42^{\circ}05'38''$  E 45.051 ft. to a point of tangent.
5. S  $69^{\circ}27'42''$  E 34.249 ft. to a point.
6. S  $73^{\circ}50'11''$  E 102.459 ft. to a point in the northern boundary of a 8.999218 acre tract, yet to be conveyed, marking the terminus of the centerline of the right of way herein described.

The above described 3.701027 acre tract is conveyed together with the rights of ingress and egress over a proposed common right of way leading from Sunset Blvd, in a southwesterly direction, over and across a 8.999218 acre tract, yet to be conveyed, to the eastern boundary of the above described 3.701027 acre tract, said right of way being located on an existing paved drive within lands retained by the Grantor, and is intended to be used by the Grantor, in common with the Grantee, said proposed right of

way being more particularly described as follows;

Beginning for description at a capped iron pin (CIP) set in the south right of way line of Sunset Blvd, marking the NE corner of the tract owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and also marking the NW corner of Lot 15 in Bexley Place Subdivision, recorded in Cabinet B, Slide 142, and also marking the NW corner of the tract owned by the Ohio Power Company as recorded in Vol. 631, Pg. 502, and also marking a point in the north line of the above described 3.701027 acre tract, thence with the north line of Lot 15, and with the north line of the aforementioned Ohio Power tract of Vol. 631, Pg. 502, and with the south right of way line of Sunset Blvd,

S 57°33'13" E 32.394 ft. to a mag nail set in said line, marking the NE corner of the above described 3.701027 acre tract, and also marking an angle point in the northern boundary of a 8.999218 acre tract, yet to be conveyed, and also marking the NW corner and TRUE PLACE OF BEGINNING of the right of way here-in described.

Thence crossing over and into the aforementioned Ohio Power tract of Vol. 631, Pg. 502, and further crossing over and into the aforementioned Ohio Power tract of Vol. 613, Pg. 3, and with the common boundary between the above described 3.701027 acre tract, and the aforementioned 8.999218 acre tract, yet to be conveyed, and being more or less 1 ft. west of the edge of an existing paved entry road, S 32°29'44" W 146.153 ft. to a mag nail set in the pavement, marking an angle point in the western boundary of the right of way here-in described.

Thence continuing with the aforementioned common boundary, the following 2 bearings and distances;

1. N 72°55'20" W 42.585 ft. to a nail set in the corner of the pavement where the north edge of the aforementioned entry meets the existing parking lot.
2. Crossing the entry way, S 16°24'37" W 26.329 ft. to a nail set in the corner of the pavement where the south edge of the aforementioned entry meets the existing parking lot, marking the SW corner of the right of way here-in described.

Thence crossing over and into the aforementioned

8.999218 acre tract, yet to be conveyed,  
S  $73^{\circ}37'18''$  E 61.287 ft. to point in the east edge  
of pavement of an existing entry road, marking the  
SE corner of the right of way here-in described.

Thence, along the edge of the existing pavement, and  
with the extension there-of, and crossing back over  
and into the aforementioned Ohio Power tract of Vol.  
631, Pg. 502, N  $32^{\circ}29'44''$  E 165.827 ft. to a point  
in the north line of said tract of Vol. 631, Pg.  
502, marking a point in the south right of way line  
of Sunset Blvd, and also marking a point in the  
north line of the aforementioned 8.999218 acre  
tract, yet to be conveyed, and also marking the NE  
corner of the right of way here-in described.

Thence with the south right of way line of Sunset  
Blvd, and with the north line of said tract of Vol.  
631, Pg. 502, and with the north line of the  
aforementioned 8.999218 acre tract, yet to be  
conveyed, N  $57^{\circ}39'38''$  W 25.121 ft. to the place of  
beginning, containing 0.120983 acres, more or less,  
and subject to all legal highways, rights of way,  
and/or easements, and subject to any and all  
restrictions, and/or reservations, and/or exceptions  
as may be applicable.

The above described 3.701027 acre tract is subject  
to the rights reserved by the Grantor, to use an  
area of proposed perpetual easement located within  
the above described conveyance, intended to be used  
by the Grantor, in common with the Grantee, said  
easement being more particularly described as  
follows;

Beginning at a mag nail set in the south right of  
way line of Sunset Blvd, marking the NE corner of  
the above described 3.701027 acre tract, and also  
marking an angle point in the northern boundary of a  
8.999218 acre tract, yet to be conveyed, and also  
marking a point in the north line of the tract owned  
by the Ohio Power Company as recorded in Vol. 631,  
Pg. 502, and also marking a point in the north line  
of Lot 15 in Bexley Place Subdivision, recorded in  
Cabinet B, Slide 142, and also marking the NW corner  
of a proposed 0.120983 acre right of way, and also  
marking the NE corner of the easement here-in  
described.

Thence crossing over and into the aforementioned  
Ohio Power tract of Vol. 631, Pg. 502, and with the

common boundary between the above described 3.701027 acre tract, and the aforementioned 8.999218 acre tract, yet to be conveyed, and being more or less 1 ft. west of the edge of an existing paved entry road, S 32°29'44" W 33.874 ft. to a point in said line, marking the SE corner of the easement here-in described.

Thence crossing over and into the above described 3.701027 acre tract, the following 3 bearings and distances;

1. N 52°06'44" W 14.561 ft. to a point.
2. N 2°44'06" W 21.886 ft. to a point.
3. N 37°39'35" E 14.666 ft. to a point in the south line of Sunset Blvd, marking a point in the north line of the aforementioned Ohio Power tract of Vol. 631, Pg. 502, and also marking a point in the north line of the above described 3.701027 acre tract, and also marking the NW corner of the easement here-in described.

Thence with the south right of way line of Sunset Blvd, and with the north line of the aforementioned Ohio Power tract of Vol. 631, Pg. 502, and with the north line of the above described 3.701027 acre tract, S 57°33'13" E 25.802 ft. to the place of beginning, containing 0.017648 acres, more or less, and subject to all legal highways, rights of way, and/or easements, and subject to any and all restrictions, and/or reservations, and/or exceptions as may be applicable.

The above described 3.701027 acre tract is subject to a 15 ft. permanent easement for storm sewer purposes, said easement is located within the above described conveyance, and is intended to be used by the Grantor in common with the Grantee, said easement being 7.5 ft. on each side of the following described centerline;

Beginning for description at a capped iron pin (CIP) set in the south right of way line of Sunset Blvd, marking the NE corner of the tract owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and also marking the NW corner of Lot 15 in Bexley Place Subdivision, recorded in Cabinet B, Slide 142, and also marking the NW corner of the tract owned by the Ohio Power Company as recorded in Vol. 631, Pg. 502,

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and also marking an angle point in the northern boundary of the above described 3.701027 acre tract, yet to be conveyed, thence crossing over and into the lands owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and Vol. 613, Pg. 247, S 57°35'40" W 233.392 ft. to a mag nail set, marking an angle point in the common boundary between the above described 3.701027 acre tract, and a 8.999218 acre tract, yet to be conveyed. Thence with the common line between the above described 3.701027 acre tract, and the 8.999218 acre tract, yet to be conveyed,

S 16°05'18" W 90.737 ft. to a point in the center of a storm sewer line, marking the TRUE PLACE OF BEGINNING of the centerline here-in described.

Thence with the centerline of the existing storm sewer line, and crossing over and into the above described 3.701027 acre tract, the following 6 bearings and distances:

1. S 77°04'27" W 18.103 ft. to a point in the center of a manhole.
2. S 50°43'15" W 40.816 ft. to a point in the center of a catch basin.
3. N 32°30'14" W 44.261 ft. to a point in the center of a manhole.
4. N 78°56'49" W 61.149 ft. to a point in the center of a catch basin.
5. N 77°33'26" W 61.570 ft. to a point in the center of a manhole.
6. N 79°17'17" W, and crossing over and into the remaining lands of the Grantor as recorded in Vol. 613, Pg. 243, 49.297 ft. to a point in the centerline of an outlet pipe, marking the terminus of the centerline of the easement here-in described, together with the right to spill the flow of said storm water from the terminus above described into an existing drainage ditch, together with the right to maintain said line.

The above described 3.701027 acre tract is conveyed together with a 15 ft. permanent easement for storm sewer purposes, said easement is located within lands retained by the Grantor, and is intended to be

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used by the Grantor in common with the Grantee, said easement being 7.5 ft. on each side of the following described centerline;

Beginning for description at a capped iron pin (CIP) set in the south right of way line of Sunset Blvd, marking the NE corner of the tract owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and also marking the NW corner of Lot 15 in Bexley Place Subdivision, recorded in Cabinet B, Slide 142, and also marking the NW corner of the tract owned by the Ohio Power Company as recorded in Vol. 631, Pg. 502, and also marking an angle point in the northern boundary of the above described 3.701027 acre tract, yet to be conveyed, thence crossing over and into the lands owned by the Ohio Power Company as recorded in Vol. 613, Pg. 3, and Vol. 613, Pg. 247, S 57°35'40" W

233.392 ft. to a mag nail set, marking an angle point in the common boundary between the above described 3.701027 acre tract, and the 8.999218 acre tract, yet to be conveyed. Thence with said common line, S 16°05'18" W 30.217 ft. to a point in the center of an existing storm sewer line, marking the TRUE PLACE OF BEGINNING of the centerline herein described.

Thence crossing over and into the 8.999218 acre tract, yet to be conveyed, and with the centerline of the existing storm sewer line, the following 2 bearings and distances;

1. S 3°46'23" W 55.231 ft. to a point in the center of a catch basin.

S 77°04'27" W 13.471 ft. to a point in the common line between the above described 3.701027 acre tract and the 8.999218 acre tract, yet to be conveyed, marking the terminus of the centerline herein described, together with the right to maintain said line.

The above described 3.701027 acre tract is subject to a 15 ft. permanent easement for storm sewer purposes, said easement is located within the above described conveyance, and is intended to be used by the Grantor in common with the Grantee, said easement being 7.5 ft. on each side of the following described centerline;

Beginning for description at a CIP set marking the SW corner of the above described 3.701027 acre tract, yet to be conveyed, and also marking a point on the east boundary of a 2.14 acre tract owned by the Ohio Power Company as recorded in Vol. 613, Pg. 243, and also marking a point on the west boundary of the Ohio Power tract of Vol. 613, Pg. 247, thence with the aforementioned common boundary, N 12°22'41" E 13.562 ft. to the TRUE PLACE OF BEGINNING of the centerline of the easement here-in described.

Thence with the centerline of an existing storm sewer, and crossing over and into the aforementioned 3.701027 acre tract, yet to be conveyed, the following 2 bearings and distances;

1. N 89°12'04" E 50.714 ft. to the center of a catch basin.
2. S 39°24'06" E 36.535 ft. to the south line of the aforementioned 3.701027 acre tract, and also marking the terminus of the easement here-in described, together with the right to spill the flow of said storm water from the true place of beginning of the above described centerline into an existing drainage ditch, together with the right to maintain said line.

The above described 3.701027 acre tract is conveyed together with a 15 ft. permanent easement for sanitary sewer purposes, said easement is located within lands retained by the Grantor, and is intended to be used by the Grantor in common with the Grantee, said easement being 7.5 ft. on each side of the following described centerline;

Beginning for description at the SW corner of Lot 87 in Becker Highlands Subdivision, recorded in Cabinet C, Slides 162 and 163, and also marking a point in the east line of the Ohio Power tract of Vol. 613, Pg. 247, and also marking a point in the east line of a 8.999218 acre tract, yet to be conveyed, thence with the east line of said Ohio Power tract, and with the east line of the 8.999218 acre tract, yet to be conveyed, and with the west line of Portland Blvd, S 10°55'42" W 32.309 ft. to a point in the centerline of an existing sanitary sewer line, marking the TRUE PLACE OF BEGINNING of the centerline here-in described.

Thence crossing over and into the aforementioned

Ohio Power tract, and crossing over and into the 8.999218 acre tract, yet to be conveyed, and with the centerline of the sanitary sewer line, the following 3 bearings and distances;

1. N 77°48'07" W 37.770 ft. to a point in the center of a manhole.
2. N 0°09'29" E 110.706 ft. to a point in the center of a manhole.
3. N 53°09'49" W 221.692 ft. to a point in the common boundary between the above described 3.701027 acre tract, and the aforementioned 8.999218 acre tract, yet to be conveyed, and also marking the terminus of the centerline here-in described, together with the right to maintain said line.

The bearings given are for angle calculation only, and are not based on any known meridian.

This description from a field survey conducted in August, 2002, by Vincent Dowdle P.S. #7396.

Grantor also reserves a non-exclusive easement over that portion of the 3.701027 acre tract that is necessary to provide Grantor reasonable pedestrian access from Grantor's parking lot located at the north end of the 8.999218 acre tract to Grantor's office building located on the 8.999218 acre tract.

Subject to the rights of the Grantor, in common with the Grantee, to use and maintain the existing waterlines which traverse the above described 3.701027 acre tract, and also the remaining lands of the Grantor.

*Prior Deed Ref Deed Vol 613 Pg 247; 613-3; 631-502  
Parcel 21*

Located in Jefferson County, Ohio, and being in the City of Steubenville, in Cross Creek Township, Section 12, Twp 6, Range 2, and being a portion of the tract owned by the Ohio Power Company as recorded in Vol 613, pg 243, and being more particularly described as follows;

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Beginning at a cross cut made in the sidewalk, in the south right of way line of Sunset Blvd., marking the NW corner of the Ohio Power Company tract of Vol 613, pg 247, and also marking the NW corner of a 3.701027 acre tract, yet to be conveyed, and also

marking the NE corner of the Ohio Power Company tract of Vol 613, pg 243, and thereby marking the NE corner of the parcel herein described.

Thence with the common boundary between the aforementioned Ohio Power Company tracts of Vol 613, pg 243, and Vol 613, pg 247, and with the western boundary of the aforementioned 3.701027 acre tract, yet to be conveyed, and with a line 80 ft. east of, and parallel to, the centerline of John Scott Highway as it now exists, the following 3 bearings and distances;

1. S 1°14'38" W 49.850 ft. to a CIP set, marking the NE corner of the easement conveyed to the City of Steubenville as recorded in Vol 623, pg 183.

2. With a curve to the right having a radius of 1989.800 ft., an arc length of 386.678 ft. and a chord bearing S 6°48'40" W 386.070 ft. to a CIP set.

3. With the east right of way line of John Scott Highway, S 12°22'41" W 167.399 ft. to a CIP set in the common line between the aforementioned two Ohio Power Company tracts, marking the SW corner of the aforementioned 3.701027 acre tract, yet to be conveyed, and also marking the NW corner of an 8.999218 acre tract, yet to be conveyed, and also marking the NE corner of a 1.012507 acre tract, yet to be conveyed, and also marking the SE corner of the parcel herein described.

Thence crossing over and into the aforementioned Ohio Power Company tract of Vol 613, pg 243, and with the north line of said 1.012507 acre tract, yet to be conveyed, N 79°28'1" W 80.042 ft. to a point in the centerline of John Scott Highway, marking the NW corner of said 1.012507 acre tract, yet to be conveyed, and also marking a point in the west line of the aforementioned Ohio Power Company tract of Vol 613, pg 243, and also marking the SW corner of the parcel herein described, and passing on line a CIP set at 50 ft.

Thence with the centerline of John Scott Highway, and with the western boundary of the aforementioned tract of Vol 613, pg 243, the following 3 bearings and distances;

1. N 12°22'41" E 169.981 ft. to a point of curve.

2. With a curve to the left having a radius of

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1909.800 ft., an arc length of 371.137 ft., and a chord bearing N 6°48'40" E 370.553 ft. to a point of tangent.

3. N 1°14'38" E 85.290 ft. to the intersection of the south right of way line of Sunset Blvd., marking the NW corner of the aforementioned Ohio Power Company tract of Vol 613, pg 243, and thereby marking the NW corner of the parcel here-in described.

Thence with the south right of way line of Sunset Blvd., and with the north line of the aforementioned Ohio Power Company tract of Vol 613, pg 243, and with a curve to the right having a radius of 912.326 ft., an arc length of 87.534 ft., and a chord bearing S 64°51'35" E 87.501 ft. to the place of beginning, containing 1.131190 acres, more or less, and subject to all legal highways, rights of way, and/or easements, and subject to any and all restrictions, and/or reservations, and/or exceptions as may be applicable.

The bearings given are for angle calculation only, and are not based on any known meridian.

This description from a field survey conducted in August and September, 2002 by Vincent Dowdle P.S. #7396.

Subject to the easement conveyed to the City of Steubenville as recorded in Vol 623, pg 183.

Subject to John Scott Highway.

Tax Parcel Number:

Prior Deed Ref: Deed Vol 613 Pg E 243

Excepting and reserving unto Grantor the existing electrical facilities and equipment, both overhead and underground electric lines, roof top, vault or pad mounted transformers, together with the right and easement to enter the premises at any time, to inspect, operate, maintain, repair, and remove such facilities.

By acceptance of this deed, Grantee agrees on behalf of itself and its successors and assigns, and Grantor agrees on behalf of itself and its successors and assigns that the expenses necessary to maintain and repair those portions of the waterlines, storm sewer and the sanitary sewer jointly serving the 3.701027 acre tract and the 8.999218 acre tract shall be

shared equally between Grantor and Grantee, and that the expenses necessary to maintain and repair the common right of way retained and conveyed herein for the benefit of both tracts shall be split in a manner whereby Grantor shall be responsible for 75% of such expenses and Grantee shall be responsible for 25% of such expenses.

This conveyance is hereby made subject to the following:

1. The lien of real estate taxes for the year 2002 and prorated 2003 taxes which Grantor agrees to pay. Grantee shall be responsible for all real estate taxes due after Closing.
2. All existing public highways, streets, easements, covenants, conditions, restrictions, and reservations, if any, whether or not of record, and to all zoning ordinances and assessments, and other governmental regulations and restrictions, if any, now in force and effect, and such state of facts as an examination of the Premises and/or an accurate survey would disclose.

To Have And To Hold the above premises with the appurtenances thereunto belonging to said Grantee, its successors and assigns forever.

DATED this 17<sup>th</sup> day of November, 2003.

Signed and acknowledged  
in the presence of:

OHIO POWER COMPANY

Roger L. Wheeler  
Signature

Roger A. Strawser  
Printed Name

By: Roger L. Wheeler  
Roger L. Wheeler  
Director, Land Management  
American Electric Power Service  
Corporation  
Authorized Signer

Kenneth C. Cowley  
Signature  
Kenneth C. Cowley  
Printed Name

OR VOL 609 PG 691

STATE OF OHIO )  
COUNTY OF FRANKLIN )

17th The foregoing instrument was acknowledged before me this day of November, 2003, by Roger L. Wheeler, Director, Land Management, American Electric Power Service Corporation, as Authorized Signer for Ohio Power Company, an Ohio corporation on behalf of the corporation.



RUSSELL C. COWLEY  
Notary Public, State of Ohio  
My Commission Expires April 19, 2004  
Recorded in Franklin County

*Russell C. Cowley*

Notary Public  
My Commission Expires: 4/19/2004

This instrument was prepared by Thomas G. St. Pierre, Senior Counsel - Real Estate, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, Ohio 43215, for and on behalf of Ohio Power Company.